

Order

Michigan Supreme Court
Lansing, Michigan

Entered: September 12, 2001

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

00-16

Amendment of Rule 2.602
of the Michigan Court Rules

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 2.602 of the Michigan Court Rules is adopted, to be effective January 1, 2002.

[The present language is amended as indicated below.]

Rule 2.602 Entry of Judgments and Orders

- (A) [Unchanged.]
- (B) Procedure of Entry of Judgments and Orders. An order or judgment shall be entered by one of the following methods:
- (1) The court may sign the judgment or order at the time it grants the relief provided by the judgment or order.
 - (2) The court shall sign the judgment or order when its form is approved by all the parties and if, in the court's determination, it comports with the court's decision.
 - (3) Within 7 days after the granting of the judgment or order, or later if the court allows, a party may serve a copy of the proposed judgment or order on the other parties, with a notice to them that it will be submitted to the court for signing if no written objections to its accuracy or completeness are filed with the court clerk within 7 days after service of the notice. The party must file with the court clerk the original of the proposed judgment or order and proof of its service on the other parties.
 - (a) If no written objections are filed within 7 days, the clerk shall submit the judgment or order to the court, and the court shall then sign it if, in the court's determination, it

comports with the court's decision. If the proposed judgment or order does not comport with the decision, the court shall direct the clerk to notify the parties to appear before the court on a specified date for settlement of the matter.

(b) Objections regarding the accuracy or completeness of the judgment or order must state with specificity the inaccuracy or omission.

~~(b)(c)~~ The party filing the objections must serve them on all parties as required by MCR 2.107, together with a notice of hearing and an alternate proposed judgment or order.

~~(c) If objections are filed, the party who filed the proposed judgment or order must notice the judgment or order for settlement before the court within 7 days after receiving notice of the objections.~~

(4) A party may prepare a proposed judgment or order and notice it for settlement before the court.

(C) - (D) [Unchanged.]

Staff Comment: The September 12, 2001 amendment of MCR 2.602(B)(3), effective January 1, 2002, was based on a recommendation from the Michigan Judges Association to eliminate delay and unnecessary work caused by nonspecific and meaningless objections. The amendment shifted some of the burden of going forward from the proponent of the order to the objector and clarified the objection procedure.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.